

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

Civil Action No. 19-cv-3998

-against-

CIGARETTES UNLIMITED, L.C., JOHN A. LASH, III,
ANITA LASH, STEPHEN DABNEY RILEY, SHANA L.
BILLER, MARY RILEY, MARGARET L. CLARK,
CANDICE S. FOX, MONIQUE PEARSON, JULIUS
PETERS-BRANDON, JOANNA S. PETTIES, PAULA K.
SLOAN, DERRICK L. WHITING, JESSICA
WHITEHEAD, ELIZABETH R. WINDHAM, DEBRA A.
ANTICO, JOSEPH N. ANTICO, THOMAS
GUGLIELMO, MERYLE MCGOWAN, ROBERT A.
SCHMIDT, RAZIK K. SHARIFI, and John or Jane
3Q.

Defendants.

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DECLARATION OF MERYLE McGOWAN

Meryle McGowan declares under penalty of perjury pursuant to 28 U.S.C. § 1746
as follows:

1. My name is Meryl McGowan. I reside in Brooklyn, New York, and have done so my entire life.
2. This declaration describes many of my interactions with defendants Cigarettes Unlimited, L.C., ("Cigarettes Unlimited") and certain persons identified to me as owners or employees of Cigarette Unlimited. My declaration sets forth my present recollections, but does not necessarily contain all of the information that I possess concerning Cigarettes Unlimited and its owners and employees.

3. I began purchasing cigarettes in Virginia for transport back to Brooklyn some time in 2015. I had learned from "Mike," the boyfriend of an acquaintance of mine named "Christine" that I could purchase cigarettes at Cigarettes Unlimited, at its store in Woodbridge Virginia, on Dale Road, Exit 158 off of I95. I traveled to Cigarettes Unlimited approximately once a month or every other month and purchased approximately 50 to 100 cartons each time, which I brought back to Brooklyn and sold to friends and family.

4. In early 2018, "Mike," who knew about my 2015 purchases, asked if I would be willing to purchase cigarettes in Virginia for delivery to him in Brooklyn. Mike told me I should go to Cigarettes Unlimited for the purchases. Mike provided the cash for the purchases, usually \$30,000 per trip, in packets of \$1,000, in a plastic bag. I carried the money in my pocketbook or sometimes in the trunk of my vehicle.

5. After making the purchases and returning to Brooklyn, I would usually meet Mike the next day or occasionally two days later in a parking lot in Brooklyn and transfer the cigarettes, any paperwork and any remaining cash to him. I always met Mike in Brooklyn.

6. A round trip from Brooklyn to Virginia and back took 12 hours. I was paid \$500 per trip, from which I had to pay expenses.

7. Before travelling to Cigarettes Unlimited, I would call in my order about a week in advance, from my phone, which has a 917 area code. I always spoke to persons known to me as "Paula" or "Julius." Each time, I ordered from 200 to 400 cartons of Marlboro, Newport, and Parliament cigarettes. I know Paula's full name is Paula Sloan, because she "friended" me on Facebook.

8. During the 2018 period that I drove for Mike, when I arrived at Cigarettes Unlimited, my order would be waiting, packed in cases, and wrapped in black plastic bags. I

with respect to her order, and when they did an inventory after Debbie had left the store, there were shortages of cigarettes. Paula or Julius told me that Debbie came from New York, and that she lived in Staten Island. Paula or Julius also told me that Debbie's husband had been purchasing from Cigarettes Unlimited prior to Debbie, but that he had been caught selling cigarettes and could no longer do so because he was required to wear an ankle bracelet. Debbie's husband had been selling the cigarettes to bodegas.

13. I met one other buyer, one time, named Rob Schmidt. I had a conversation with him in the back room of the store, in which Schmidt told me that he was from Staten Island and she told him she was from Brooklyn. After Schmidt left, I had a conversation with Julius, and Julius told me he bought fireworks from Schmidt. I commented that it was odd for someone from Virginia to be buying fireworks from someone from New York, and Julius said Schmidt can get the "good stuff."

14. I learned, but do not recall how, that Schmidt and Debbie knew one another.

15. Paula and Julius also spoke about "Lee," an Asian man that they spoke about Lee a couple of times. They told me that he comes in and buys cigarettes, but not where he came from.

16. I am one hundred per cent certain that both Paula Sloan and Julius knew that I was from New York City. On one occasion, Julius asked me to bring him some pizza from Brooklyn, which I did.

17. Paula called me sometime this year and said that John told her (Paula) to call me and Lee and tell them that Debbie and Rob had been arrested and that I should not come to Cigarettes Unlimited anymore. Paula referred in the conversation to the arrests of Debbie and

paid for the cigarettes in cash, and Julius or Paula would count the money using a counting machine in a back room of the store. I never paid by credit card or check, and I only dealt with Paula or Julius

9. Julius would load my order onto a cart and bring them to my vehicle, a blue Toyota Highlander with New York license plates. If Julius took care of my order, I would tip him \$50 because he loaded my car. I would tip Paula \$20, because she did not do any loading.

10. I was introduced to John Lash because he was once in the store when I was there. I was introduced to him as "Mervl" and he was introduced to me as "John." I was told that he was the owner. He was present in the store on a second occasion when I was there. John would have seen that when I arrived, I walked into the store like I worked there – instead of going to the counter where customers were ordinarily served, I walked around the counter and directly into the back room of the store. On at least one occasion, John saw me entering the back room.

11. After leaving Cigarettes Unlimited, I placed the cigarettes in the front seat, the back seat and the trunk of my vehicle. I have tote bags of craft supplies in my vehicle and I placed them over the cases of cigarettes as camouflage. I estimate that during the period that I drove for Mike, I brought back 2500 cartons of cigarettes purchased at Cigarettes Unlimited. I typically paid between \$50-\$55 per carton, depending on the brand of cigarettes.

12. I had conversations with Paula or Julius concerning others that purchased cigarettes at Cigarettes Unlimited. Paula and Julius described to me a customer they called "Debbie," who they regarded as "shady." They would not take Debbie into the back room because they believed she would take cigarettes. Debbie would try and confuse Paula or Julius

Robert Schmidt, which had occurred on May 22, 2019 and June 11, 2019 respectively, so the call from Paula to me was likely after that date.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 27, 2019
Brooklyn, New York



MERYLE McGOWAN

